

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|-------------------------|---|---------------------------|
| In Re: DIANNAH HOLBROOK | : | Case No. 14-58440 |
| SS# xxx-xx-1354 | : | |
| | : | Chapter 13 |
| Debtor. | : | |
| | : | Judge Charles M. Caldwell |
| | : | |

**DEBTOR'S OBJECTION TO CLAIM OF
OHIO DEPARTMENT OF TAXATION (CLAIM NO. 3)**

Comes now the Debtor, by and through counsel, and hereby objects to the claim of Ohio Department of Taxation, P.O. Box 530, Columbus, OH 43216 (Claim No. 3, filed on March 19, 2015.) Debtor submits that the proof of claim, filed by Ohio Department of Taxation is not proper as filed, and contains inaccurate information regarding the debt.

Said alleged debt, is based on income taxes from tax years 2002, 2003, & 2004. Debtor filed a previous bankruptcy on December 22, 2011, under case number 11-62656, in the Southern District of Ohio, Eastern Division. Said case was originally filed under Chapter 13 of the Bankruptcy code, however, the case was converted to a Chapter 7, no-asset case, on June 9, 2014. A discharge was granted to the debtor under Chapter 7 on November 24, 2014.

The Ohio Department of Taxation was listed as a creditor in the 2011 case. Further, the Ohio Department of Taxation filed a proof of claim in that case indicating that the full balance was general unsecured debt. Because of the age of the tax debt, it was all discharged under the prior bankruptcy. As such, none of the stated tax debt should be paid through this bankruptcy.

Debtor moves this Court for an Order disallowing the claim of Ohio Department of TA
Taxation in its entirety.

/s/ Robert R. Goldstein
Robert R. Goldstein (0059561)
Attorney for Debtor
2734 East Main Street
Columbus, Ohio 43209
(614) 231-0003
(Fax) 231-1189
Email: bob@goldsteinlawohio.com

NOTICE OF OBJECTION TO CLAIM

Diannah Holbrook has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to reduce, modify or eliminate your claim, then on or before **thirty (30) days from the date set forth in the certificate of service for the objection to claim**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to 170 N. High Street, Columbus, OH 43215 OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to

Robert R. Goldstein, 2734 East Main Street, Columbus, OH 43209
Frank M. Pees, 130 E. Wilson Bridge Rd., Suite 200, Worthington, OH 43085
Assistant U. S. Trustee, 170 N. High Street, Columbus, OH 43209
and Diannah Holbrook, 2565 Glade Road, Beaver, OH 45613.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to claim and may enter an order reducing, modifying, or eliminating your claim without further notice or hearing.

/s/ Robert R. Goldstein

Robert R. Goldstein (0059561)

Attorney for Debtor

2734 East Main Street

Columbus, Ohio 43209

(614) 231-0003

(Fax) 231-1189

Email: bob@goldsteinlawohio.com

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2015, a copy of the foregoing Objection to Claim and Notice of Objection to Claim was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court:

Frank M. Pees, Chapter 13 Trustee

Asst. US Trustee (col)

Brian M Gianangeli for Creditor Ohio Department of Taxation

Gregory D Wooldridge for Creditor The Ohio Valley Bank Company, dba Ohio Valley Bank

and on the following by ordinary U.S. Mail addressed to:

Diannah Holbrook

2565 Glade Road

Beaver, OH 45613

Ohio Department of Taxation,

Bankruptcy Division

P.O. Box 530

Columbus, OH 43216

Ohio Department of Taxation

c/o Rebecca L. Daum

P.O. Box 530

Columbus, OH 43215-0530

Attorney General of the State of Ohio

Collection Enforcement

150 E. Gay Street, 21st Floor

Columbus, OH 43215

/s/ Robert R. Goldstein

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